



FEDERAL LAW ENFORCEMENT
WIRELESS USERS GROUP
WASHINGTON, D.C.



December 7, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
TWA325
445 Twelfth Street, SW
Washington, DC 20554

**Re: Petition for Rulemaking By the Federal Law Enforcement Wireless Users Group
To Promote Interoperability and Efficient Use of Allotted Spectrum For Public
Safety Agencies and Other Measures To Address Communications Needs Through
the Year 2010**

Dear Ms. Salas:

On behalf of the Federal Law Enforcement Wireless Users Group (FLEWUG) and pursuant to Section 1.49 and 1.51 of the Commission's rules, 47 C.F.R. §§ 1.49, 1.51 (2000), enclosed herewith for filing are an original and six (6) copies of the FLEWUG's Petition for Rulemaking as styled above.

Kindly date stamp the additional, marked copy of this cover letter and return it to the individual hand carrying the filing.

Should you require any additional information, please contact the undersigned.

Respectfully submitted,

James J. Flyzik
Deputy Assistant Secretary
(Information Systems), and
Chief Information Officer,
Department of the Treasury

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Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of)
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Petition for Rulemaking)
By the Federal Law Enforcement Wireless Users)
Group To Promote Interoperability and Efficient)
Use of Allotted Spectrum For Public Safety)
Agencies and Other Measures To Address)
Communications Needs Through the Year 2010)

PETITION FOR RULEMAKING

To: The Commission

Dated: December 7, 2001

TABLE OF CONTENTS

I. INTRODUCTION	1
II. STATEMENT OF INTEREST	4
III. PROMOTING FLEXIBILITY OF SPECTRUM USE	5
A. Licensing	5
B. Incident Command System	6
IV. MANDATING STANDARDS.....	9
A. Interoperability Standard.....	9
B. Receiver Standards	11
V. CONCLUSION	13

EXECUTIVE SUMMARY

The Federal Law Enforcement Wireless Users Group (FLEWUG) offers this Petition for Rulemaking (Petition) to address the issues identified in the Public Safety Wireless Advisory Committee (PSWAC) Final Report (PSWAC Report) and the recommendations made therein that still require attention from the Commission. In the 5 years since the PSWAC Report, public safety advocacy groups, including the Commission's own Public Safety National Coordination Committee (NCC), the Association of Public-Safety Communications Officials International, Inc. (APCO), the National Public Safety Telecommunications Council (NPSTC), the International Association of Chiefs of Police (IACP), the Public Safety Wireless Network (PSWN) Program, and many other interested parties, have contributed to various rulemaking dockets and made recommendations to the Commission that have led to improved planning and breakthroughs in technology benefiting the public safety community. The FLEWUG commends these efforts and asks the Commission to reexamine the concerns and solutions that these groups have proposed.

The purpose of this Petition is to present a plan to the Commission that will assist in the development of rules and policies to aid local, state, and tribal public safety agencies in meeting their requirements for spectrum, promoting efficient use of their resources, and achieving interoperability and seamless communication between cooperating organizations. It is the FLEWUG's objective to demonstrate to the Commission the urgency of the public safety community's needs and to appeal to decision makers for rules and procedures that will enable public safety personnel to carry out their responsibilities.

The FLEWUG asserts that the Commission would improve cooperation and interaction between and among agencies, and allow for a more rapid response to emergency incidents, by streamlining the licensing process for public safety users. Blanket licensing for qualifying

agencies would empower public safety users to take the necessary steps to address exigent circumstances and expand operations to include additional organizations, and broaden coverage areas, as the situation requires. Foresight in permitting a more flexible licensing plan will streamline the process to cut response time and thereby help to protect the personnel involved and the public that depends on them. The FLEWUG also endorses adoption of the Incident Command System (ICS) response protocol to clearly delineate procedures and responsibilities in an emergency. This protocol is especially useful in large-scale actions that require multiagency and/or multijurisdictional intervention.

The Commission should also support a common standard for interoperability channels. There has already been a successful initiative to standardize architecture in the 700 megahertz (MHz) band in which the Commission has endorsed the American National Standards Institute (ANSI) certified Project 25 standard for the interoperability channels. The initiative supports a conservative and gradual movement to a more efficient narrowband standard for public safety communications, and could serve as a model for the development of an interoperability standard for bands below 512 MHz. Adoption of the Project 25 standard will encourage cooperation among manufacturers and spur growth of new, innovative applications that can be accessed by more agencies. A common standard will help erase the technology gap between well-funded organizations and the numerous local, state, tribal, and nontraditional public safety groups that interact with federal agencies. Many of these organizations operate on limited budgets with older legacy equipment; they cannot afford to upgrade equipment with the development of every new application.

Likewise, the FLEWUG agrees with the NCC that the Commission must adopt receiver performance standards. The FLEWUG recommends development of a standard for equipment in

the bands below 512 MHz similar to that proposed by the NCC for receivers in the 700 MHz band. This standard would include a minimum performance standard against which receivers could be evaluated for susceptibility to interference. Subject to additional investigation and research, the Commission could adopt an interim standard until it and the National Telecommunications and Information Administration (NTIA) could determine a final standard. An appropriate standard would help to guide manufacturers and set a clear benchmark for receiver equipment to promote uniformity and consistent quality.

Finally, we call upon the Commission to move as rapidly as possible in addressing the concerns expressed in this Petition. The need to fill gaps within our Nation's security and to revise communications plans and processes employed by public safety personnel is only underscored by the losses suffered by our Nation in the terrorist acts that occurred on—and since—September 11, 2001. While the FLEWUG is mindful of the administrative requirements of this process, the urgency of the needs identified here demand the attention and action of the Commission with all due haste. By working together, the FLEWUG asserts that the public safety community can make great strides in preventing lives from being lost in such senseless acts ever again.

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1. The Federal Law Enforcement Wireless Users Group (FLEWUG)¹ hereby respectfully petitions the Federal Communications Commission (Commission) to initiate a new docket pursuant to Title 47, C. F. R. (2000), § 1.401, et seq., addressing concerns that relate to recommendations originally made in the September 1996 Public Safety Wireless Advisory Committee (PSWAC) Final Report (PSWAC Report). The FLEWUG is concerned that, although the Commission has responded admirably to several of the recommendations proposed in the PSWAC Report, there is still a compelling need to address other issues that remain unresolved. “As a result, assistance can be delayed and response efforts can be inefficient, which

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ultimately jeopardizes lives, both those of the officers and the public at large.”² Public safety communications must become an immediate priority for the Commission to address, or our Nation runs the risk of putting more lives in jeopardy from inefficient use of our communications resources.

2. It is impossible to understate the impact of the national tragedy that has occurred in recent weeks as a result of terrorist attacks on government and civilian targets in New York City and Washington, DC, on September 11, 2001, and from the ongoing threat of Anthrax letters from unknown bioterrorists. Even while still in a state of shock at the loss of citizens and colleagues, the response by professional local, state, and federal public safety personnel has been exemplary, working alongside civilian organizations such as the Red Cross, volunteer emergency medical workers, and other volunteers. Wireless communications have played and continue to play a critical role in establishing coordinated communications for federal agencies, such as the Federal Emergency Management Agency (FEMA) in New York,³ in their efforts to locate casualties and gather evidence. Now more than ever, it is clear that the public safety community needs robust, dedicated wireless communications systems to cope with many different potential types of emergencies and to be prepared to render assistance that includes reliable, interoperable wireless communications facilities for the many agencies and organizations that may be needed for a response. The question that our elected representatives, the Commission, and the public safety community must ask ourselves is—are we doing all that we can?

3. The public safety community, and our elected officials, must honestly evaluate their answers in the face of the imminent danger that confronts our Nation. It is the FLEWUG’s

² See *Public Safety Wireless Advisory Committee (PSWAC) Final Report, September 11, 1996*, at para. 2.

³ See “FEMA unable to set up New York City field office,” *Government Executive*, September 17, 2001.

position that every possible measure must be taken to give public safety personnel access to the best and most reliable technology available to leverage system capacity and achieve ongoing communication imperatives. By enhancing interoperability capabilities through a focused initiative, the Commission will go a long way to help public safety agencies realize the goal of coordinated, efficient communications, providing greater security for our citizens and the personnel who protect them, in all contingencies.

4. With security now at the forefront of our concerns, and communications a key element in the successful response to emergencies, the timing is right for a concerted initiative to coordinate and upgrade public safety communication capabilities and enhance agencies' interoperability. The Bush Administration has resolved to enhance public safety in the United States quickly and decisively. To reinforce this commitment, within days of the attack, the President created a new cabinet-level post, the Office of Homeland Security, to bolster our domestic front against terrorist threats or attacks. The FLEWUG is optimistic that this new agency will be a valuable resource for the public safety community, and that the Office of Homeland Security will work in cooperation with established agencies and organizations at all levels of the government to provide further protection and services for the benefit of all Americans.

5. On behalf of the public safety community, the FLEWUG respectfully submits the following recommendations to the Commission to promote efficient spectrum use and to improve the capabilities of the personnel using wireless technology. It is the FLEWUG's intention that this mission is realized using state-of-the-art technology, with best practices in place to ensure that public safety communications continue to be robust and that agencies are fully prepared to cope with the exigencies ahead. This initiative will further serve to ensure the

safety of law enforcement, fire, rescue, and emergency medical personnel providing assistance to the public, and the citizens they serve. The FLEWUG is confident that we can depend on the support of the Commission to enable public safety operations to be performed with the sophistication and reliability that our citizens have a right to expect.

II. STATEMENT OF INTEREST

6. The FLEWUG is a wireless users organization established in 1994 as a joint initiative by the U.S. Department of Justice and the U.S. Department of the Treasury to “provide the law enforcement community and the public safety community with a land mobile radio/wireless telecommunications system that enhances the safety of law enforcement and public safety personnel, contributes to improved mission effectiveness, and maximizes the operational efficiency of communications systems supporting law enforcement and public safety activities.”⁴ Another of the FLEWUG’s objectives is “to address interoperability and other challenges related to public safety communication,”⁵ including improving efficiency of spectrum use and developing common standards for land mobile radio (LMR) technology. We reiterate that “[an] important aspect of the FLEWUG’s mission is to develop a plan to facilitate coordination between public safety agencies at all levels of government and in so doing, maximize these agencies’ ability to protect life and property.”⁶ The FLEWUG submits its recommendations of rules, policies, and practices included in this Petition for the purpose of advancing those goals. In doing so, the FLEWUG cites the conclusions of the PSWAC, which

⁴ See *Memorandum of Understanding Between the Department of Justice and the Department of the Treasury*, April 20, 1994.

⁵ See Public Safety Wireless Network (PSWN) Web site, About PSWN, “PSWN Program Origin,” at para. 2 (Federal Law Enforcement Wireless Users Group [FLEWUG]), www.pswn.gov/, September 12, 2001.

⁶ See *Comments of the Federal Law Enforcement Wireless Users Group (FLEWUG) to the Fourth Notice of Proposed Rulemaking* (4th NPRM), WT 96–86, September 25, 2000, at page 1.

the Commission itself established and tasked to assess the requirements for public safety communications in the first decade of the 21st century.

III. PROMOTING FLEXIBILITY OF SPECTRUM USE

A. Licensing

7. In the PSWAC Report, the Steering Committee recommended “coordinated planning at the federal, state, and local levels of government in order to facilitate interoperability. The development, provision, and utilization of interfaces/gateways between and among remaining independent Public Safety and public service infrastructures and between Public Safety and commercial infrastructure should be encouraged.”⁷ The FLEWUG strongly suggests that the Commission, in cooperation with National Telecommunications and Information Administration (NTIA), establish a streamlined system to license nonfederal public safety agencies on designated federal interoperability spectrum. This system will allow the flexibility necessary when responding to emergency incidents. The FLEWUG proposes that the NTIA and the Commission create a formal memorandum of understanding (MOU) that can lay the foundation for expedited access to designated public safety bands by the agencies rendering assistance. Such policies will lead to faster and more efficient deployment of personnel when emergencies arise.

8. While some activities, such as crowd control at a major sports or political event, are foreseeable and public safety officials can control them by prior planning, others will naturally require an improvised response using specialized solutions tailored to meet unique, exigent demands for intervention. Many other variables, such as location, the number of

⁷ See *PSWAC Report*, at para. 2.2.6.

agencies involved in the response, the nature of the incident, and anticipated duration of activity, will each have an impact on the decision to choose a particular band. Especially in these latter cases, it will be critical for responding agencies to have clear procedures in place and have as many options available to them as possible to deal with rapidly changing circumstances. Flexible licensing policies will enable public safety organizations to adapt quickly and smoothly to the requirements of an incident and will support the various applications required to effectively meet the demands placed on them.

B. Incident Command System

9. To facilitate this process, the FLEWUG supports adoption of the Incident Command System (ICS). The ICS system serves as a flexible, scalable tool for setting up a communications structure to manage public safety operations in emergencies and for prioritizing necessary functions for a coordinated and unified response, especially among multiple agencies in a large-scale incident. The ICS provides public safety personnel performing field response with a ready-made framework to expand organization and infrastructure, and a communications plan that can be modified to meet the needs of specific situations as they arise. It also creates a command hierarchy with clear derivation of authority to act in an organized, decisive, and orchestrated manner.

10. The ICS is designed to help mitigate incident risks by providing clear lines of authority, accurate information, strict accountability, planning, cost-effective operations, and logistical support for any incident. One person is designated as the Incident Commander (IC) and handles all command and control functions derived from that central authority. The IC may manage all or part of the activities directly, or may opt to delegate such functions as required

along the same lines of authority. Each incident also has an Incident Action Plan (IAP) to provide personnel with direction as the incident progresses or changes.

11. Public safety agencies also need to establish facilities for organizing field response, depending on the type and complexity of the incident or event. The Incident Command Post (ICP) serves as the “hub” of all command and control functions, including communications, and it is from the ICP that the IC normally oversees all incident operations. Additional or alternative sites may be designated in accordance with the IAP or as determined by the IC. The IC also designates an officer to develop plans for the effective use of incident communications equipment and facilities; install and test communications equipment; supervise communications; and distribute, maintain, and repair communications equipment. The establishment of the IC also reduces uncertainty and furnishes response and relief personnel with a chain of authority and a command structure from the outset of an incident, avoiding duplication of functions and ambiguity in planning and execution of personnel initiatives.

12. Centrally managed, interoperable communications are essential for virtually every aspect of the ICS structure to function. The PSWAC Interoperability Subcommittee specifically recommended that “a national planning process be established as soon as possible to address a nationwide mutual aid plan, define operational policies and procedures, provide guidance and procedures for regional planning processes, and define incident command system requirements with all levels of government involved.”⁸ Communications to be used at the incident site require advance planning. This planning should include development of frequency inventories and

⁸ See *PSWAC Report*, at para. 4.3.27.4.

frequency sharing agreements. Advance preparation will also be necessary for efficient use of synthesized mobile/portable radio equipment, and use and deployment of available local, state, tribal, and federal resources as part of the available ICS infrastructure. The ICS will provide a flexible procedural protocol, allowing responding agencies to interface communications in accordance with the existing resources. With the response framework in place, many of the concerns inherent in setting up a communications network from the ground up, especially under crisis conditions, are eliminated.

13. The ICS plan also makes provisions for necessary interaction with state and local government authorities, and integrates them into the communications plan. It is anticipated that Regional Planning Committees (RPC), with the advice and support of the State Interoperability Executive Committees (SIEC) or other entities charged with interoperability coordination, will be active in developing an overall ICS communications plan. Many local governments have established Emergency Operations Centers (EOC), which can be activated quickly to accommodate centralized command and control functions during incident response. Such facilities were used with success in both Washington and New York after September 11, 2001. Using the ICS will allow law enforcement, fire, emergency medical services (EMS), and other personnel to take advantage of the available facilities and infrastructure already in place, further reducing the time necessary to establish communications and organizational prerequisites, and to render aid in an incident quickly and more effectively.

14. The flexibility of the ICS plan as conceived, along with the forethought and experience that has accrued since its first inception more than 20 years ago, demonstrate the effectiveness and the utility of this planning and management tool time and time again. In the field, the ICS will provide a valuable resource for public safety agencies to designate

responsibilities and efficiently coordinate and plan for a variety of incidents—ranging from single-agency initiatives to more complex, multidisciplinary, multijurisdictional efforts—and keep information, communication, and decision-making authority clearly defined. It will reduce unnecessary repetition by response personnel and help direct and track progress as an incident occurs. Incorporating the ICS into public safety programs should also protect responding personnel from exposure to danger by providing a more comprehensive communications plan. The FLEWUG respectfully requests that the Commission, as a minimum, recommend adoption of ICS in the same manner as the Commission has endorsed the formation of SIECs.⁹

IV. MANDATING STANDARDS

A. Interoperability Standard

15. In the PSWAC Report, the Steering Committee stated that, “[a] minimum baseline standard is required for unit-to-unit Public Safety radio equipment operating in the same band....These standards should be developed by a fair and open process that encourages the industry to cooperate in providing the tools and technology needed by the public safety community.”¹⁰ The FLEWUG agrees with these recommendations and requests the Commission and NTIA to work together to act on them. At this time, the FLEWUG also reasserts its continued support of the Project 25 standard for digital communications and affirms the long-held position that “adoption of these standards for digital interoperability is a more workable alternative” than the adoption of numerous, possibly incompatible technologies.¹¹

⁹ See *Fourth Report & Order* (4th R & O), WT 96-86, at paras. 12–13.

¹⁰ See *PSWAC Report*, at paras. 2.2.11.1, 2.2.11.3.

¹¹ See *Federal Law Enforcement Wireless Users Group’s Submissions for Membership to the National Coordination Committee*, WT 96–86, February 26, 1999, at page 5.

16. With this in mind, the FLEWUG recommends that the Commission, in cooperation with NTIA, adopt the Project 25 as the digital interoperability standard for spectrum below 512 MHz. The Commission and the NTIA can look to the 700 MHz interoperability channel plan for guidance when proposing the Project 25 standard for this spectrum. By supporting a single technology, the Commission accomplishes several goals simultaneously:

- Encourages cooperation among manufacturers of equipment for the public safety community
- Spurs the development of specialized features that are important to public safety users
- Allows public safety organizations to take advantage of a competitive environment with multiple sources providing cost savings for purchases of conforming equipment
- Eliminates the need for bridges and other stopgap measures to enable communications between agencies using different equipment.

17. The Commission can also make a significant contribution to the public safety community, especially the smaller and less well-funded agencies and organizations, by endorsing a common interoperability standard. As other commenters have already emphasized in their contributions to the WT 96–86 Docket, “[w]hile every level of state and local government is affected by budget constraints, the cost of radio communications is a particularly acute issue for the Fire, EMS and Forestry services due to the fact that a large percentage of these users are rural and/or volunteer in nature. For example, 73%—22,700—of the 31,000 fire departments in the United States are volunteer departments. Such volunteer departments largely rely upon contributions and other private funding sources....These volunteer departments serve the small towns, townships and counties and in particular serve rural areas which bear much of the critical

infrastructure of the United States, i.e., dams, railroads, right-of-ways, pipelines and electric utility structures which often generate a multi-jurisdiction emergency response when an incident occurs. Similarly, a large majority of emergency medical service agencies are volunteer in nature, either in combination with fire departments or freestanding rescue squads.”¹² Although the entire public safety community stands to benefit from the Commission’s adoption of a single interoperability standard, volunteer and smaller organizations have the most to gain, or lose. By enabling advance preparation and marshaling support and assets on all fronts, a unified plan that manages and coordinates these resources for all participating agencies and organizations can be implemented.

B. Receiver Standards

18. APCO’s Comments to the Fourth Notice of Proposed Rulemaking suggested the Commission institute receiver standards to reduce interference from adjacent bands, echoing the recommendations made by the NCC.¹³ APCO points out that “[t]he public safety systems currently being impacted by adjacent commercial service systems were in place long before the interfering sources....over the years, the basic engineering design of systems in adjacent bands has changed to account for demographic and loading requirements for their owner/operators. It is this change in the mode of operations from a noise limited design criteria to an interference based design criteria (i.e., cellular architecture) that has been the principal source of new interference to public safety systems.”¹⁴

¹² See *Joint Comments of the Forestry Conservation Communications Association et. al., to the 4th NPRM*, WT 96-86, September 25, 2000, at page 5. *Comments of APCO in Response to the 4th NPRM*, WT 96-86, September 25, 2000, at page 15.

¹³ See *comments of APCO in Response to the 4th NPRM*, WT 96-86 September 25, 2000, at page 15.

¹⁴ *Id.*

19. The FLEWUG proposes the expansion of the NCC's recommendation for the adoption of stringent standards for sensitivity, selectivity, dynamic range, and durability characteristics for receiver equipment operating in the 700 MHz band, to apply to equipment operating under 512 MHz. In September 2000, Working Group TIA TR-8 proposed that "the Commission adopt a receiver performance standard and that a minimal level of performance (including interference susceptibility) be defined for all receivers."¹⁵

20. Specific standards for receiver equipment operating in the 700 MHz band are still being developed by Working Group TIA TR-8, in cooperation with the NCC.¹⁶ The FLEWUG has long been an advocate of technical standards for receiver equipment, "consistent with NTIA and industry standards."¹⁷ Until such time as the NTIA has completed updating government receiver standards, the FLEWUG respectfully recommends that the Commission adopt industry receiver standards that will apply to all equipment in spectrum below 512 MHz, including spectrum designated for interoperability. Implementation of an interim standard, at least until research and modifications can be finalized to incorporate features tailored for public safety operations, would provide much-needed guidance. The FLEWUG disagrees with those commenters who have stated that manufacturers will regulate themselves and "through market pressure [will] continue to provide equipment with user programmable display options, capacity, and modes meeting the needs of the public safety user community. The Commission should rely on the marketplace in this respect."¹⁸ Until specific standards can be fashioned that take into

¹⁵ See 4th R & O, paras. 57-59.

¹⁶ See 4th R & O, WT 96-86, at para. 94.

¹⁷ See *FLEWUG Comments to NPRM*, WT 96-86, October 21, 1996, at para. 4.4.2.

¹⁸ See, e.g., *Comments of the Kenwood Communications Corporation in Response to the 4th NPRM*, WT 96-86, para. 11.

account the specific needs of the public safety community, using an accepted standard will serve as a performance threshold for receivers to meet.

V. CONCLUSION

21. As always, the FLEWUG thanks the Commission for the opportunity to submit recommendations for consideration in addressing the concerns that affect the public safety community. This Petition is intended as a starting point for the Commission to confront the issues that remain unresolved and to provide solutions that will improve the quality and capability of the public safety community to communicate effectively. The FLEWUG is encouraged by the careful attention that has been given to these important issues and the contributions made by the Commission, the NTIA, and all interested parties. The worthy goal of developing a comprehensive program that captures the full potential of modern technological advances and incorporates the cooperative efforts of our dedicated personnel is within our reach.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James J. Flyzik", with a large, stylized initial "J" and a flourish at the end.

James J. Flyzik
Deputy Assistant Secretary
(Information Systems), and
Chief Information Officer,
Department of the Treasury

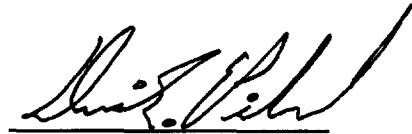
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CERTIFICATE OF SERVICE

I, David E. Pickeral, Associate, Booz Allen Hamilton, 8283 Greensboro Drive, McLean, Virginia, 22102-3838, do hereby certify that on this date I caused to be served, by first-class mail, postage prepaid (or by hand where noted) six copies of the Federal Law Enforcement Wireless Users Group's Petition for Rulemaking, *In the Matter of Petition for Rulemaking To Promote Interoperability and Efficient Use of Allotted Spectrum For Public Safety Agencies and Other Measures To Address Communications Needs Through the Year 2010*, the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Fair Oaks, Virginia this 7th day of December 2001.



David E. Pickeral

SERVICE LIST

*The Honorable Michael Powell, Chairman
Federal Communications Commission
445 12th St., SW, Rm. 8–B201
Washington, DC 20554

*The Honorable Kathleen Q. Abernathy, Commissioner
Federal Communications Commission
445 12th St., SW, Rm. 8–B115
Washington, DC 20554

*The Honorable Michael J. Copps, Commissioner
Federal Communications Commission
445 12th St., SW, Rm. 8–A302
Washington, DC 20554

*The Honorable Kevin J. Martin, Commissioner
Federal Communications Commission
445 12th St., SW, Rm. 8–A204
Washington, DC 20554

*Marsha J. MacBride, Chief of Staff
Office of Chairman Powell
Federal Communications Commission
445 12th St., SW, Rm. 8–B201
Washington, DC 20554

*Peter A. Tenhula, Senior Legal Advisor
Office of Chairman Powell
Federal Communications Commission
445 12th St., SW, Rm. 8–B201
Washington, DC 20554

*Bryan Tramont, Senior Legal Advisor
Office of Commissioner Abernathy
Federal Communications Commission
445 12th St., SW, Rm. 8–B115
Washington, DC 20554

*Jordan Goldstein, Senior Legal Advisor
Office of Commissioner Copps
Federal Communications Commission
445 12th St., SW, Rm. 8–A302
Washington, DC 20554

*Paul Margie, Spectrum and International Legal Advisor
Office of Commissioner Copps
Federal Communications Commission
445 12th St., SW, Rm. 8–A302
Washington, DC 20554

*Samuel Feder, Interim Senior Legal Advisor
Office of Commissioner Martin
Federal Communications Commission
445 12th St., SW, Rm. 8–C302
Washington, DC 20554

*Monica Shah Desai, Interim Legal Advisor
for Wireless and International Issues
Office of Commissioner Martin
Federal Communications Commission
445 12th St., SW, Rm. 8–C302
Washington, DC 20554

*Thomas J. Sugrue, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., SW, Rm. 3–C252
Washington, DC 20554

*Kathleen O’Brien–Ham, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., SW, Rm. 3–C255
Washington, DC 20554

*James D. Schlichting, Deputy Chief
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., SW, Rm. 3–C254
Washington, DC 20554

*David Furth, Senior Legal Advisor
Wireless Telecommunications Bureau
Federal Communications Commission
445 12th St., SW, Rm. 3–C217
Washington, DC 20554

*D'wana R. Terry, Chief
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4-C321
Washington, DC 20554

*Ramona Melson, Deputy Chief (Legal)
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4-C321
Washington, DC 20554

*Herbert W. Zeiler, Deputy Chief (Technical)
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4-C321
Washington, DC 20554

*Jeanne Kowalski, Deputy Chief (Public Safety)
Public Safety & Private Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4-C324
Washington, DC 20554

*Michael J. Wilhelm, Legal Advisor
Public Safety and Private Wireless Division
Federal Communications Commission
445 12th Street, SW, Room 4-C305
Washington, DC 20554

*Kris Monteith, Chief
Policy Division
Federal Communications Commission
445 12th St., SW, Rm. 3-C124
Washington, DC 20554

*Blaise Scinto, Deputy Chief
Policy Division
Federal Communications Commission
445 12th St., SW, Rm. 3-C133
Washington, DC 20554

*Thomas Navin, Deputy Chief
Policy Division
Federal Communications Commission
445 12th St., SW, Rm. 3–B114
Washington, DC 20554

*John Schauble, Chief
Policy and Rules Branch
of the Public Safety and Private Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4–C336
Washington, DC 20554

*Scot Stone, Deputy Chief
Policy and Rules Branch
of the Public Safety and Private Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4–B337
Washington, DC 20554

*William Kunze, Chief
Commercial Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4–C224
Washington, DC 20554

*Jeffrey Steinberg, Deputy Chief
Commercial Wireless Division
Federal Communications Commission
445 12th St., SW, Rm. 4–C222
Washington, DC 20554

*Solomon Satche, Engineer
Public Safety and Private Wireless Division
Wireless Telecommunications Bureau
445 12th St. SW, Room 3–C417
Washington, DC 20554

*Qualex, Inc.
445 12th St., SW
Washington, DC 20554

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